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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,909	11/05/2003	Robert Allen Ahti	132446	2908

31838 7590 03/03/2005

HASSE GUTTAG & NESBITT LLC
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MASON, OH 45040

EXAMINER

SHAKERI, HADI

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/605,909	AHTI ET AL.	
	Examiner	Art Unit	
	Hadi Shakeri	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>040604</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.84(g). Acceptable margins: Top 2.5 cm; Left 2.5 cm; Right 1.5 cm; Bottom 1.5 cm; for A4 and 8 ½ x 11 sizes. Margins are not acceptable for Figs. 1-6.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claims 1 and 6, the language as written renders the claims indefinite. The article claims as recited, i.e., a machining apparatus including the coolant nozzle and/or the coolant nozzle as recited, renders the scope of the claims ascertainable, since a "nozzle" cannot be defined to include the laser (it would be inoperable), and without the laser it would lack sufficient structure, i.e., the plug to make it operable. The recitation that the laser is removably inserted does not remedy the deficiencies.

7. Regarding claim 4, last two lines (that had been...) renders the claim indefinite in addition to being improper, since it appears a method of forming the bore is being claimed in the apparatus claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

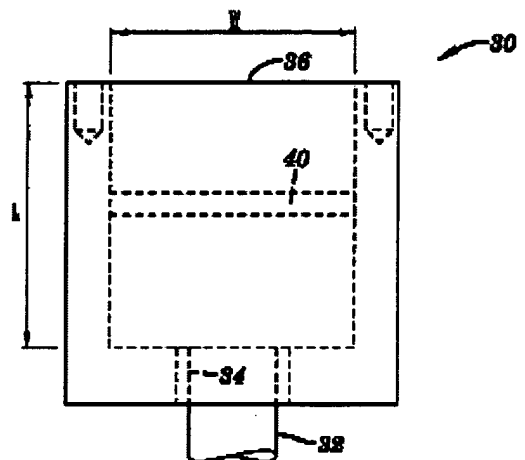
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by anyone of Kuykendal (5,773,791), Goldsmith et al. (5,759,031), Klein, II et al. (5,598,972) or Bramwell et al. (4,444,495).

Anyone of Kuykendal, Goldsmith et al., Klein, II et al. or Bramwell et al. discloses all of the limitations of claim 9, i.e., targeting the orientation of a nozzle with the use of a visible laser in directing a stream of fluid at a targeted area. Note that the functional/narrative language, i.e., "coolant" nozzle, "thereby..." does not add a positive step to the method and/or lacks sufficient structure to define the device recited.

10. Claims 5 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Webster (6,669,118).

Webster discloses all of the limitations of claims 5 and 9, i.e., a nozzle assembly to direct coolant to a grinding wheel in a grinding process comprising a work holder (e.g., Fig. 1), rotating grinding wheel and a coolant nozzle for emitting a stream of coolant fluid, wherein the a laser pointer or other suitable devices are utilized to position the nozzle relative to the workpiece (07:05-20).



Claim Rejections - 35 USC § 103

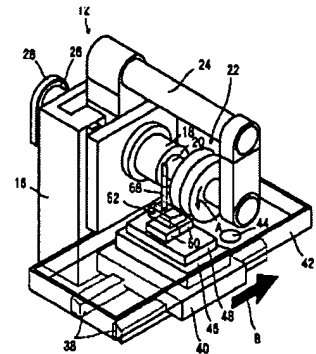
11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-4 and 6-8 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo (6,386,948) in view of anyone of Webster, Kuykendal, Goldsmith et al., Klein, II et al. or Bramwell et al.

Kondo meets all of the limitations of the above claims, as best understood, i.e., metal machining apparatus comprising a coolant nozzle (52), except for disclosing the use of a laser for aligning the nozzle.

The use of a laser to point or target a nozzle is old as evident by prior art cited above. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Kondo with a laser pointing device as taught by anyone of prior art cited above to target the cooling fluid. With regards to location of parts (e.g. within the nozzle or mounted on the outside) and/or removable laser, it is noted it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikes*, 86 USPQ 70; and that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

**Allowable Subject Matter**

13. It is noted that a method of grinding wherein the coolant is aligned by a laser prior to the grinding, including positive steps defining the apparatus and the nozzle would be allowable over prior art of record, e.g.,

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A method of machining for removal of metal from a workpiece, comprising:

- a) providing a holder for a workpiece,
- b) providing a metalworking tool configured to engage the workpiece along a machining interface to remove metal from the workpiece,
- c) cooling the machining interface by emitting a stream of cooling fluid through a nozzle including a nozzle body having a flow passage with an inlet and an outlet, and a bore having a line of sight with the flow passage outlet, wherein the bore is plugged by a removable plug, and wherein prior to the machining, said plug is removed from the bore and a visible laser is inserted into the bore for emitting a laser beam cooperating with the nozzle body for visually positioning the nozzle relative to the metalworking tool, whereby the emitted stream of cooling fluid is directed at the machining interface.

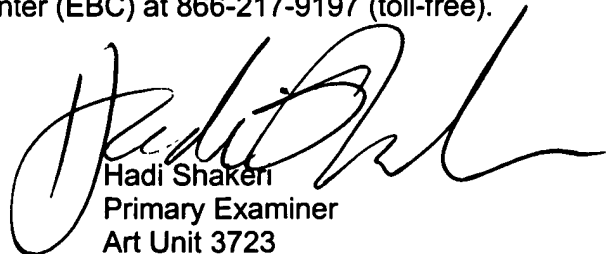
Conclusion

14. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Phillips, Pletcher, Glogovsky and Fusaro, Jr. are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri
Primary Examiner
Art Unit 3723
February 28, 2005